

AMENDED IN ASSEMBLY APRIL 7, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1846

Introduced by Assembly Member Adams

January 28, 2008

An act to amend Section 19315 of the Food and Agricultural Code, relating to inedible kitchen grease.

LEGISLATIVE COUNSEL'S DIGEST

AB 1846, as amended, Adams. Inedible kitchen grease.

Existing law regulates transporters of inedible kitchen grease, and requires those transporters to be registered. Existing law also authorizes the Department of Food and Agriculture to assess an additional fee on transporters of inedible kitchen grease, as specified, for purposes of administering the provisions regulating these transporters. *Other provisions of existing law make violations of these regulatory provisions a misdemeanor.*

This bill would exempt from the additional fee transporters of inedible kitchen grease ~~whose collecting and transporting activities consist solely of collecting waste vegetable oil for fuel for the transporter's own personal use, and not for profit who transport inedible kitchen grease for their own personal, noncommercial use as an alternative fuel,~~ provided that no more than 50 gallons of inedible kitchen grease per load may be transported for this purpose, these individuals shall not sell, barter, or trade any inedible kitchen grease, and provided that these individuals meet other requirements, as specified.

By proscribing certain conduct of certain transporters of inedible kitchen grease, the violation of which is a misdemeanor pursuant to

existing provisions of law, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19315 of the Food and Agricultural Code
2 is amended to read:

3 19315. (a) ~~In~~*Except as provided in subdivision (b), in addition*
4 *to the registration fee required by Section 19312, the department*
5 *may charge an additional a fee necessary to cover the costs of*
6 *administering this article. Any additional fee charged pursuant to*
7 *this section shall not exceed three hundred dollars (\$300) per year*
8 *per vehicle that is operated to transport kitchen grease, and shall*
9 *not exceed three thousand dollars (\$3,000) per year per registered*
10 ~~transporter, provided that any transporter whose collection and~~
11 ~~transportation activities consist solely of collecting waste vegetable~~
12 ~~oil for the transporter's own personal use as fuel, and not for profit,~~
13 ~~shall not be subject to the additional fee. transporter.~~

14 *(b) Individuals registered pursuant to this article who transport*
15 *inedible kitchen grease for their own personal, noncommercial*
16 *use as an alternative fuel, are exempt, for that purpose, from the*
17 *fees imposed by subdivision (a). No more than 50 gallons of*
18 *inedible kitchen grease per load may be transported for this*
19 *purpose. Individuals exempt from the fees in subdivision (a) shall*
20 *not sell, barter, or trade any inedible kitchen grease, and shall not*
21 *take any inedible kitchen grease from a container owned by another*
22 *registered transporter of inedible kitchen grease or from an*
23 *inedible kitchen grease provider under contract with a registered*
24 *transporter. Individuals exempt from the fees imposed by*
25 *subdivision (a) shall meet all other requirements of this article.*

26 ~~(b)~~

(c) The secretary shall fix the annual fee established pursuant to this section and may fix different fees for transporters of inedible kitchen grease and collection centers, and for transporters of interceptor grease. The secretary shall also fix the date the fee is due and the method of collecting the fee. If an additional fee is imposed on licensed renderers pursuant to subdivision (a) of Section 19227 and an additional fee is imposed on registered transporters pursuant to subdivision (a), only one additional fee may be imposed on a person or firm that is both licensed as a renderer pursuant to Article 6 (commencing with Section 19300) and registered as a transporter of inedible kitchen grease pursuant to this article, which fee shall be the higher of the two fees.

~~(e)~~

(d) If the fee established pursuant to this section is not paid within one calendar month of the date it is due, a penalty shall be imposed in the amount of 10 percent per annum on the amount of the unpaid fee.

~~(d)~~

(e) This section shall become inoperative on July 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

~~(e)~~

(f) For the purposes of this section, “interceptor grease” means inedible kitchen grease that is principally derived from food preparation, processing, or waste, and that is removed from a grease trap or grease interceptor.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.